

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

**MEMORANDUM & ORDER**

23-CR-0082 (EK)

CARLOS WATSON and OZY MEDIA, INC.,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received the defendants' joint letter dated December 2, 2024. In response to that letter and other occurrences, the Court directs as follows:

**First**, the defendants request until December 4 to "address the issue of forfeiture." ECF No. 348. This Court, however, has already granted the defendants until December 9 to respond to the government's proposed orders of forfeiture. See Docket Order dated December 2, 2024. The December 9 deadline will hold.

**Second**, the defendants state that they intend to advise the Court by December 11 whether "anyone may seek permission to speak at sentencing on [their] behalf." ECF No. 348. Given the proximity of that deadline to the sentencing date, the defendants are directed to so notify the Court by December 9.

**Third**, also by December 9, both parties shall inform the Court whether they intend to call witnesses or present evidence as to any aspect of the Sentencing Guidelines calculation set forth in the Pre-Sentence Information Reports, including the loss calculation and the enhancement for obstruction of justice, or as to any other factual issue. We note here that the government of course bears the burden of proving facts relevant to sentencing, *e.g.*, *United States v. Valdovinos-Soloache*, 309 F.3d 91, 94 (2d Cir. 2002), and the defendants have no obligation to speak or present evidence at sentencing.

**Fourth**, the Court clarifies (once again) that all correspondence with Chambers must be filed on the docket. The defendants continue to report having emailed correspondence and requests to chambers without concurrent filings on ECF. *E.g.*, ECF No. 340 at 42 n.26. To be sure, the Court did request during trial – when it appeared that some ECF entries were appearing on a delayed basis – that the parties send courtesy copies of filings by email in addition to filing on ECF. But the Court's individual rules call for all documents to be filed electronically, and the Court previously reminded the parties of this requirement after the trial concluded. *See, e.g.*, Docket Order dated August 14, 2024.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: December 4, 2024  
Brooklyn, New York